

# Legal issues and family matters



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## **Philippine law on household helpers; pending Senate bills on “Batas Kasambahay” or “Magna Carta for Household Helpers”**

There are more than six hundred thousand household helpers in the Philippines. And yet only a few families who employ household helpers know that the Philippines has laws (and pending bills) on the employment of household helpers. Our current laws for household helpers are Articles 141 up to 152 of the Labor Code of the Philippines. The said articles state:

### **Employment of Household helpers**

**Art. 141. Coverage.** This Chapter shall apply to all persons rendering services in households for compensation.

“Domestic or household service” shall mean service in the employer’s home which is usually necessary or desirable for the maintenance and enjoyment thereof and includes ministering to the personal comfort and convenience of the members of the employer’s household, including services of family drivers.

**Art. 142. Contract of domestic service.** The original contract of domestic service shall not last for more than two (2) years but it may be renewed for such periods as may be agreed upon by the parties.

**Art. 143. Minimum wage.** Household helpers shall be paid the following minimum wage rates:

Eight hundred pesos (P800.00) a month for household helpers in Manila, Quezon, Pasay, and Caloocan cities and municipalities of Makati, San Juan, Mandaluyong, Muntinlupa, Navotas, Malabon, Parañaque, Las Piñas, Pasig, Marikina, Valenzuela, Taguig and Pateros in Metro Manila and in highly urbanized cities;

Six hundred fifty pesos (P650.00) a month for those in other chartered cities and first-class municipalities; and

Five hundred fifty pesos (P550.00) a month for those in other municipalities.

Provided, That the employers shall review the employment contracts of their household helpers every three (3) years with the end in view of improving the terms and conditions thereof.

Provided, further, That those household helpers who are receiving at least One thousand pesos (P1,000.00) shall be covered by the Social Security System (SSS) and be entitled to all the benefits provided thereunder. (As amended by Republic Act No. 7655, August 19, 1993)

**Art. 144. Minimum cash wage.** The minimum wage rates prescribed under this Chapter shall be the basic cash wages which shall be paid to

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the househelpers in addition to lodging, food and medical attendance.

**Art. 145. Assignment to non-household work.**

No househelper shall be assigned to work in a commercial, industrial or agricultural enterprise at a wage or salary rate lower than that provided for agricultural or non-agricultural workers as prescribed herein.

**Art. 146. Opportunity for education.** If the househelper is under the age of eighteen (18) years, the employer shall give him or her an opportunity for at least elementary education. The cost of education shall be part of the househelper's compensation, unless there is a stipulation to the contrary.

**Art. 147. Treatment of househelpers.** The employer shall treat the househelper in a just and humane manner. In no case shall physical violence be used upon the househelper.

**Art. 148. Board, lodging, and medical attendance.** The employer shall furnish the househelper, free of charge, suitable and sanitary living quarters as well as adequate food and medical attendance.

**Art. 149. Indemnity for unjust termination of services.** If the period of household service is fixed, neither the employer nor the househelper may terminate the contract before the expiration of the term, except for a just cause. If the househelper is unjustly dismissed, he or she shall be paid the compensation already earned plus that for fifteen (15) days by way of indemnity.

If the househelper leaves without justifiable reason, he or she shall forfeit any unpaid salary due him or her not exceeding fifteen (15) days.

**Art. 150. Service of termination notice.** If the duration of the household service is not determined either in stipulation or by the nature of the service,

the employer or the househelper may give notice to put an end to the relationship five (5) days before the intended termination of the service.

**Art. 151. Employment certification.** Upon the severance of the household service relation, the employer shall give the househelper a written statement of the nature and duration of the service and his or her efficiency and conduct as househelper.

**Art. 152. Employment record.** The employer may keep such records as he may deem necessary to reflect the actual terms and conditions of employment of his househelper, which the latter shall authenticate by signature or thumbmark upon request of the employer.

**Pending Senate bills: "Batas Kasambahay" or "Magna Carta for Household Helpers"**

Several bills aimed at improving the lot of household helpers are pending in the Senate, namely:

[1] SBN-1631: Magna Carta of Household Helpers' or 'Batas Kasambahay' An Act Providing for the Magna Carta of Household Helpers Filed on September 20, 2007 by Miriam Defensor-Santiago

[2] SBN-1141: Magna Carta of Household Helpers An Act Instituting Policies Governing the Household Employment Industry, Establishing a Standard of Protection and Promoting the Welfare of Household Helpers Filed on July 4, 2007 by Aquilino Q. Pimentel Jr.

[3] SBN-77: Magna Carta of Household Helpers (Batas Kasambahay) An Act Instituting Regulatory Policies for the Household Employment Industry, Establishing Standards of Protection and Promotion of Their Welfare and of Their Families, Amending for the... Filed on June 30, 2007 by Loren B. Legarda

Sen. Manny Villar has also filed Senate Bill 2275 seeking to increase the minimum wage to P1,200 in Metro Manila; P950 in chartered cities and first-class municipalities; and P750 in other municipalities.

### Highlights of Sen. Legarda's bill

Under the proposed Magna Carta for Household Helpers, authored by Sen. Loren Legarda, all domestic staff would be expressly guaranteed the right to just and humane working as well as living conditions, among other freedoms.

#### Notarized job contract

The bill mandates that a notarized job contract would have to be executed by and between the employer and househelper before the start of any service. This would cover the specific job terms and conditions, including a provision for annual pay increases, indicating the amount mutually agreed and fixed by the parties.

#### 13th month pay, Philhealth coverage

Under the bill, all househelpers would be entitled to statutory pay rates, a 13th month pay equal to one month's salary and mandatory coverage by the Philippine Health Insurance Corp. (Philhealth), on top of existing protection by the Social Security System (SSS).

#### 10 hours of work maximum per day, not more than six consecutive days

Househelpers would enjoy normal work hours not exceeding 10 hours every day. Any work they perform in excess would have to be paid extra. They would be entitled to at least eight hours of continuous rest every day, in addition to one-hour respites each for breakfast, lunch and dinner.

Househelpers would also work not more than six consecutive days every week.

#### 14 days annual vacation leave with pay

Househelpers would also be entitled to 14 days annual vacation leave with pay.

Under Legarda's bill, househelpers would likewise be entitled to basic necessities, including three full meals every day; adequate, private and safe sleeping quarters; as well as advances to cover work-related illnesses or injuries, subject to reimbursement by the SSS and Philhealth.

Legarda's bill also sets a comprehensive standard for the decent treatment of househelpers. Their mistreatment, such as the deprivation of basic necessities as punishment or disciplinary action, would be totally forbidden.

The bill likewise prohibits the employment of househelpers via sub-contracting; bans recruitment and finder's fees at the househelper's expense; and disallows bonded labor, or the use of future services as collateral for an advance extended to the househelper.

#### How to be saved and go to heaven

**Accept that you are a sinner and that your good works, ethical conduct or religion cannot save you.** Romans 3:10, Romans 3:23

**Believe on the Lord Jesus Christ that He alone can save you.** Romans 6:23, Romans 10:13, Acts 16:31

**Confess and repent of your sins.** Luke 13:3, Isaiah 1:18

**Delay not in receiving Jesus Christ into your heart.** 2 Corinthians 6:2, Proverbs 27:1

**Pray and ask the Lord to save you now:** "Dear Lord, I believe that Christ died and shed His precious blood to save my soul. Be merciful to me a sinner, forgive my sins and save me in Jesus' name. Lord Jesus, I now accept you as my Savior. Amen."

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